

ORDINANCE NO. 99-05

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 4, "ANIMALS" OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY CREATING A NEW SECTION 4-42, "FEES"; PROVIDING FOR THE ESTABLISHMENT BY RESOLUTION OF SERVICE FEES IN THE DIVISION OF ANIMAL CONTROL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 125, Florida Statutes empowers Boards of County Commissioners to establish fees for County Services; and,

WHEREAS, the charging of service fees by the Division of Animal Control would supplant, in part, the exclusive reliance in the Division on ad valorem funding; and

WHEREAS, service fees would shift the burden of taxation for the delivery of certain animal control services from the property tax payer to the offenders; and

WHEREAS, it is a commonly accepted animal control practice throughout the nation to charge for the provision of many animal control services.

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

**Section 1.**

That Chapter 4, "Animals", of the Leon County Code of Laws is hereby amended by creating a new Section 4-42, "Fees", to read as follows:

The Board of County Commissioners of Leon County, Florida, may, by resolution, establish and subsequently amend a fee schedule for the Division of Animal Control which shall be administered by the Division. All fees collected under this ordinance that are not expended in the current fiscal year, shall be carried over to the succeeding fiscal year for expenditure in the Division of Animal Control.

**Section 2. Conflict with Other Ordinances and Codes.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3. Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

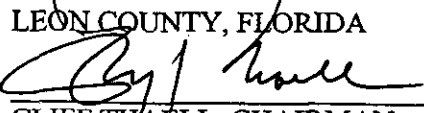
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**Section 4. Effective Date.**

This Ordinance shall be effective upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,  
Florida this 23th day of February, 1999.



LEON COUNTY, FLORIDA  
BY:   
CLIFF THAELL, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

ATTEST:  
DAVE LANG, CLERK OF THE COURT  
LEON COUNTY, FLORIDA

BY: 

APPROVED AS TO FORM:  
LEON COUNTY ATTORNEY'S OFFICE

BY: 

Herbert W. A. Thiele, Esq.